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Mayor Charles Henderson called the meeting to order at 8:30 a.m.

PRESENT: Board members Warren Beville, Mayor Henderson, Kevin Hoover;
Clerk-Treasurer Jeannine Myers; City Attorney Shawna Koons-Davis;
and Director of Engineering Paul Peoni.

Mr. Beville moved to approve the minutes of January 19th as presented. Second by Mr. Hoover. Vote: Ayes.

First on the agenda was the issue of a refund from the Sanitation Billing Office for Road Ranger Truck Stop. John Carbelli gave a brief history, from when the supervisor at the store started to investigate the bills last July. It was found that there was a water leak in their parking lot. The water did not go through a sanitary sewer but through a storm sewer into the lake behind them, said Mr. Carbelli. Mr. Carbelli then indicated to the Board the sanitation bills paid from about October, 2003 until July of 2005. They have requested a refund or a credit of some kind, or a combination. Mr. Carbelli stated that the average bill for the four months before they discovered the leak was \$397.49 a month. For the five months after the leak was fixed the average bill was \$294, he noted. The bills were for over \$1,300 to \$1,683.99. Barb Ferguson of the Sanitation Billing Office concurred with this finding, but said a refund is generally for about six months. They asked the Board for direction. Pat Sherman, accountant for the utility, expressed his concerns and suggested studying the refund policies. Counsel said that the ordinance permits refunds if it can be shown that water did not go through the sanitary system. Mr. Hoover moved to postpone consideration until March 9th and in the interim have staff and the utility accountant look into the issue. Second by Mr. Beville. Vote: Ayes.

JC American, LLC d/b/a Johnny Carino's (Representative was not in attendance) is asking for acceptance of improvements, acceptance of maintenance guarantee and release of performance guarantees. Mr. Peoni told the Board that everything appears to be in order, except for receiving mylar as-builts. The easement for the sidewalk is not yet in place, he added. Mr. Hoover moved to:

- 1) Acknowledge that the private improvements of dirtwork, storm sewers, erosion control and street improvements have been installed in reasonable compliance with the approved design plans for the Johnny Carino's site.
- 2) Release Official Check #300703563 in the amount of \$4,428 from Key Bank of Central Indiana serving as a performance guarantee for the installation of the private street improvements along Loew's Boulevard at the Johnny Carino's site.
- 3) Release Official Check #300703561 in the amount of \$23,733 from Key Bank of Central Indiana serving as performance guarantee for the installation of the private dirtwork, storm sewers and erosion control at the Johnny Carino's site, all subject to:
 - a) Receipt of final mylar as-builts.

The sidewalks could not be accepted at this time due to the easement not being in place. Second by Mr. Beville. Vote: Ayes.

John Ryan, property owner at 797 Raccoon Run, who was not in attendance, requested a driveway cut onto Fry Road. Mr. Peoni indicated this is one of three or four lots in Whispering Trails whose backyards abut Fry Road. Mr. Ryan wants to build a garage in the rear yard and obtain a driveway cut onto Fry Road to obtain access to the garage. Mr. Peoni told the Board that the Engineering Department did not think this would be a good idea, given the amount of traffic on Fry Road and the fact that it is narrow at this point. If the subdivision had been platted within the last fifteen or twenty years, we actually require a no access easement on the boundary that abuts a major roadway stating that there will be

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no driveway access onto that major roadway. However this plat is about thirty years old, noted Mr. Peoni. Mr. Hoover moved to deny the driveway cut request for 797 Raccoon Road. Second was by Mr. Beville. In response to the Mayor, Fire Chief Steve Dhondt agreed with the decision, considering the fire safety equipment that uses Fry Road. Vote: Ayes.

Kindred Long Term Acute Care (LTAC) Hospital was not represented but is requesting acceptance of performance guarantees for the site improvements. The amounts and improvements shown on the bonds are correct; however, the developers' signature along with printed name and title are needed on each bond and all bonds need to be dated. Mr. Beville moved to:

- 1) Accept performance bond #929384781 from Western Surety Company in the amount of \$108,933 for the installation of the earthwork and storm sewers at the Kindred LTAC Hospital site in Greenwood Springs, Block 3.
- 2) Accept performance bond #929384782 from Western Surety Company in the amount of \$56,918.40 for the installation of the erosion control at the Kindred LTAC Hospital site in Greenwood Springs, Block 3.
- 3) Accept performance bond #929384783 from Western Surety Company in the amount of \$5,445 for the installation of the street improvements in the public right-of-way at the Kindred LTAC Hospital site in Greenwood Springs, Block 3, all contingent upon:
 - a) signature, printed name and title of the developer on all bonds.
 - b) date shown on all bonds.

Second was by Mr. Hoover. Vote: Ayes.

Providence Green, Section One was not represented; however, Mr. Peoni explained they are asking for acceptance of improvements, and acceptance of maintenance and performance bonds. A final field inspection shows that all items being asked for acceptance appear to have been satisfactorily installed. All Inspection & Testing fees have been paid. The amounts and improvements shown on the bonds are correct. There are issues with the form of the bonds being asked for acceptance. The Engineering Department has acceptable paper as-builts. Mr. Hoover moved to:

- 1) Accept the dirtwork and storm sewers at Providence Green, Section One.
- 2) Accept three (3) year maintenance bond #6389619 from Safeco Insurance Company of America in the amount of \$110,792 for the dirtwork and storm sewers at Providence Green, Section One.
- 3) Accept the erosion control at Providence Green, Section One.
- 4) Accept three (3) year maintenance bond #6389618 from Safeco Insurance Company of America in the amount of \$34,024.80 for the erosion control at Providence Green, Section One.
- 5) Accept the stone base, asphalt base, asphalt binder, concrete curbs (streets) at Providence Green, Section One.
- 6) Accept three (3) year maintenance bond #6161781-1 from Safeco Insurance Company of America in the amount of \$61,000 for the stone base, asphalt base, asphalt binder, concrete curbs (streets) at Providence Green, Section One.
- 7) Accept performance bond #6389608 from Safeco Insurance Company of America in the amount of \$33,831.88 for the installation of the asphalt surface at Providence Green, Section One.
- 8) Release performance bond #6161781 from Safeco Insurance Company of America in the amount of \$304,998 for the installation of the streets at Providence Green, Section One, all based upon:

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- a) Receipt of revised maintenance and performance bonds.
- b) Review and approval of the revised maintenance and performance bonds by the Law Department.
- c) Receipt of two (2) sets of mylar as-builts.

Second by Mr. Beville. Vote: Ayes.

Providence Green, Section Two, once again represented by Mr. Peoni, is asking for acceptance of the streets, and the maintenance bond. There is a five-year maintenance bond for the streets, as there was a problem with rain when they were paving. They were told to stop paving immediately but did not and agreed to the five-year bond. The streets have been in place for two years but we are asking for the five-year bond, said Mr. Peoni. The streets appear to be satisfactory. The Engineering Department has received acceptable paper as-builts. The amounts and improvements shown on the bonds are correct; however there are issues with the form of the bonds. Mr. Hoover moved to:

- 1) Accept the stone base, asphalt base, asphalt binder, concrete curbs (streets) at Providence Green, Section Two.
- 2) Accept five (5) year maintenance bond #6212115-1 from Safeco Insurance Company of America in the amount of \$24,629 for the stone base, asphalt base, asphalt binder, concrete curbs (streets) at Providence Green, Section Two.
- 3) Accept performance bond #6389610 from Safeco Insurance Company of America in the amount of \$12,193.50 for the installation of the asphalt surface at Providence Green, Section Two.
- 4) Release performance bond #6212115 from Safeco Insurance Company of America in the amount of \$123,140.60 for the installation of the streets at Providence Green, Section Two.
- 5) Accept performance bond #6389609 from Safeco Insurance Company of America in the amount of \$154,407 for the installation of the dirtwork and storm sewers at Providence Green, Section Two.
- 6) Accept performance bond #6389620 from Safeco Insurance Company of America in the amount of \$35,208 for the installation of the erosion control at Providence Green, Section Two, all contingent upon:
 - a) Receipt of revised maintenance and performance bonds.
 - b) Review and approval of the revised maintenance and performance bonds by the Law Department.
 - c) Receipt of two (2) sets of mylar as-builts.

Second by Mr. Beville. Vote: Ayes.

The requests were identical for Providence Green, Section Three, said Mr. Peoni. There has been a final field inspection and all items being asked for acceptance appear to have been satisfactorily installed. The Engineering Department has received acceptable paper as-builts. All Inspection & Testing fees have been paid. The amounts and improvements shown on the bonds being asked for acceptance are correct but there are issues with the form of the bonds. Mr. Beville moved to:

- 1) Accept the stone base, asphalt base, asphalt binder, concrete curbs (streets) at Providence Green, Section Three.
- 2) Accept three (3) year maintenance bond #8195-56-06-1 from Federal Insurance Company in the amount of \$21,446 for the stone base, asphalt base, asphalt binder, concrete curbs (streets) at Providence Green, Section Three.
- 3) Accept performance bond #6389613 from Safeco Insurance Company of America in the amount of \$10,738.75 for the installation of the asphalt surface at Providence Green, Section Three.
- 4) Release performance bond #8195-56-06 from Federal Insurance Company in the amount of \$107,228 for the installation of the streets at Providence Green, Section Three.

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- 5) Accept performance bond #6389611 from Safeco Insurance Company of America in the amount of \$134,005 for the installation of the dirtwork and storm sewers at Providence Green, Section Three.
- 6) Accept performance bond #6389612 from Safeco Insurance Company of America in the amount of \$54,799 for the installation of the erosion control at Providence Green, Section Three, all based upon:
 - a) Receipt of revised maintenance and performance bonds.
 - b) Review and approval of the revised maintenance and performance bonds by the Law Department.
 - c) Receipt of two (2) sets of mylar as-builts.

Second was by Mr. Hoover. Vote: Ayes.

Once again, the requests for Providence Green, Section Four were identical to Sections Two and Three. A final field inspection showed that all items being asked for acceptance appear to have been satisfactorily installed. The Engineering Department has received acceptable paper as-builts. All Inspection & Testing fees have been paid. The amounts and improvements shown on the bonds being asked for acceptance are correct but there are issues with the form of the bonds. Mr. Hoover moved to:

- 1) Accept the stone base, asphalt base, asphalt binder, concrete curbs (streets) at Providence Green, Section Four.
- 2) Accept three (3) year maintenance bond #SU5006465-1 from Arch Insurance Company in the amount of \$12,312.60 for the stone base, asphalt base, asphalt binder, concrete curbs (streets) at Providence Green, Section Four.
- 3) Accept performance bond #6389616 from Safeco Insurance Company of America in the amount of \$6,177.88 for the installation of the asphalt surface at Providence Green, Section Four.
- 4) Release performance bond #SU5006465 from Arch Insurance Company in the amount of \$61,563 for the installation of the streets at Providence Green, Section Four.
- 5) Accept performance bond #6389614 from Safeco Insurance Company of America in the amount of \$111,587 for the installation of the dirtwork and storm sewers at Providence Green, Section Four.
- 6) Accept performance bond #6389615 from Safeco Insurance Company of America in the amount of \$46,911 for the installation of the erosion control at Providence Green, Section Four, all contingent upon:
 - a) Receipt of revised and maintenance and performance bonds.
 - b) Review and approval of the revised maintenance and performance bonds by the Law Department.
 - c) Receipt of two (2) sets of mylar as-builts.

Second by Mr. Beville. Vote: Ayes.

For Providence Green, Sections One, Two, Three, Four (overall) Mr. Peoni explained that when Centex Homes started construction, they wanted to move dirt on the entire site, so the City required that they post the performance guarantee for the dirtwork, erosion control and storm sewers for the entire site. Now that those improvements have been accepted for Section One and performance bonds have been posted for the remaining sections, they are asking for release of the initial performance bond. Mr. Beville moved to:

- 1) Release performance bond #6161700 from Safeco Insurance Company of America in the amount of \$953,958 for the installation of the overall dirtwork, storm sewers and erosion control at Providence Green, Sections One, Two, Three and Four.

Second by Mr. Hoover. Vote: Ayes.

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Ken Zumstein of J. Greg Allen & Associates came forward for Emerson Pointe, Phase 1 to ask for acceptance of improvements, acceptance of maintenance and performance bonds, and execution of the plat. Mr. Peoni confirmed that all items being asked for acceptance appear to have been satisfactorily installed in the field. Minor revisions are needed on the as-builts. The amounts and improvements shown on the bonds being asked for acceptance are correct. The form needs to be reviewed by the Law Department. Minor revisions are also needed on the plat. Mr. Hoover moved to:

- 1) Accept the public dirtwork and storm sewers at Emerson Pointe, Phase 1.
- 2) Acknowledge that the private dirtwork and storm sewers have been installed in reasonable compliance with the approved design plans at Emerson Pointe, Phase 1.
- 3) Accept three (3) year maintenance bond #104665874 from Travelers Casualty and Surety Company of America in the amount of \$95,381 for the public dirtwork & storm sewers at Emerson Pointe, Phase 1.
- 4) Accept the sanitary sewers at Emerson Pointe, Phase 1.
- 5) Accept three (3) year maintenance bond #104665875 from Travelers Casualty and Surety Company of America in the amount of \$15,728 for the sanitary sewers at Emerson Pointe, Phase 1.
- 6) Accept the sidewalks along Emerson Avenue and County Line Road at Emerson Pointe, Phase 1.
- 7) Accept three (3) year maintenance bond #5018098 from Bond Safeguard Insurance Company in the amount of \$3,293 for the sidewalks along Emerson Avenue and County Line Road at Emerson Pointe, Phase 1.
- 8) Accept performance bond #5019969 from Bond Safeguard Insurance Company in the amount of \$26,161 for the installation of the street improvements (asphalt, stone) in the public right-of-way at Emerson Pointe, Phase 1.
- 9) Accept performance bond #5019968 from Bond Safeguard Insurance Company in the amount of \$7,920 for the installation of the concrete median in Emerson Avenue for the dedicated left turn lane at Emerson Pointe, Phase 1.
- 10) Accept performance bond #5019967 from Bond Safeguard Insurance Company in the amount of \$28,731 for the installation of the perimeter survey monuments, traffic control signage, striping and traffic signal modifications to the entrance on Emerson Avenue at Emerson Pointe, Phase 1.
- 11) Execute the final plat, all subject to:
 - a) Review and approval of the performance bonds by the Law Department.
 - b) Receipt of two (2) sets of mylar as-builts.
 - c) Review and approval of the final plat by both the Engineering and Planning departments.

Second was by Mr. Beville. Vote: Ayes.

Mr. Zumstein, on behalf of Emerson Parke, Lot 2, Block "E" Commercial Site, asked for acceptance of performance bonds and the Inspection & Testing Agreement. The amounts and improvements shown on the bonds being asked for acceptance are correct; revisions are needed on the form for both performance bonds. Mr. Beville moved to:

- 1) Accept performance bond #5019954 from Bond Safeguard Insurance Company in the amount of \$78,288 for the installation of the dirtwork and storm sewers at Emerson Parke, Lot 2, Block "E" Commercial Site.

- 2) Accept performance bond #5019952 from Bond Safeguard Insurance Company in the amount of \$7,711 for the installation of the erosion control at Emerson Parke, Lot 2, Block "E" Commercial Site.
- 3) Accept the Inspection & Testing Agreement for all improvements except sanitary sewer and ratify the acceptance of the 50% upfront fee for Emerson Park, Lot 2, Block "E" Commercial Site, all based upon:
 - a) Receipt of revised performance bonds.
 - b) Review and approval of the revised performance bonds by the Law Department.

Second by Mr. Hoover. Vote: Ayes.

Mr. Zumstein went on to discuss a request to encroach into a utility and drainage easement, which he pointed to on a handout. Between the curb and landscaping is another easement for storm drainage. They understand that if the improvements have to be removed, it is at their expense. Mr. Hoover moved to grant the request for encroachment, subject to final review and approval by the Engineering Department. Second by Mr. Beville. Vote: Ayes.

For Emerson Parke, Lot 2, Block "E" Infrastructure, Mr. Peoni noted that the amount and improvement shown on the bond being asked for acceptance is correct. Revisions are needed on the form of the performance bond. Mr. Hoover moved to:

- 1) Accept performance bond #5019953 from Bond Safeguard Insurance Company in the amount of \$14,974 for the installation of the erosion control at Emerson Parke, Lot 2, Block "E" Infrastructure.
- 2) Accept the Inspection & Testing Agreement for all improvements except sanitary sewer and ratify the acceptance of the 50% upfront fee for Emerson Parke, Lot 2, Block "E" Infrastructure, all based upon:
 - a) Receipt of revised performance bond.
 - b) Review and approval of the revised performance bond by the Law Department.

Second by Mr. Beville. Vote: Ayes.

Code Enforcement Officer John Myers discussed a complaint at a vacant lot west of 202 Academy Street – between 202 Academy and the railroad tracks. It is zoned R-2. Mr. Myers visited the site and observed that the lot is being used as a storage area for junk vehicles and other items. Mr. Myers took 13 pictures on January 12th of the violation site and verified with Barbara Puckett of Columbus, Indiana is the owner. Ms. Puckett told Code Enforcement that she had sold the property on contract to Don Padgett of Martinsville. Mr. Padgett advised he had sold the property on contract to Randy Baker of Franklin. Mr. Myers told the three individuals involved that he was sending certified letters of the violation. The violation they were sent notice of involved thirteen junk vehicles, a camper, a camper shell and other trash and debris, such as a riding mower. This morning Mr. Myers found seven vehicles remaining and the camper trailer being used for a dog house. The riding mower and a utility trailer are still there. Mr. Baker was in attendance and told the Board that some of the property on the lot was his and some was not. The water heater and other trash had been dumped on the lot. Mr. Baker told the Board he had no problem with getting rid of the vehicles but wants to be able to use the lot as an overflow lot as originally intended. He asked for thirty to sixty days. The City Attorney commented she was not sure the use he wanted for the lot is permissible under the zoning code. Mr. Baker told the Board he thought it was too close to the railroad tracks for a residence, and that the lot used to be used by the railroad as an overflow lot. Mayor Henderson suggested that the Board should first find that a nuisance exists and that Mr. Baker should ask the Board of Zoning Appeals for a variance. Mr. Baker said that he had no problem with cleaning up the lot and keeping it clean; he would like to be able to park some of his equipment there. Mr. Beville moved to find

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that a nuisance exists at the vacant lot west of 202 Academy, direct staff to issue a 60-day Notice of Abatement, and then Mr. Baker could go to the Board of Zoning Appeals. Second by Mr. Hoover. Vote: Ayes.

Vicki Reese, Administrative Assistant for the Police Department, brought a Federal Equitable Sharing Agreement for the Mayor's signature. This is with the Department of Justice and is a prerequisite to receiving any equitably shared cash, property or proceeds, said Ms. Reese. Mr. Hoover moved to approve the agreement, subject to the City Attorney's final review and approval, and that the Mayor to sign on the Board's behalf. Second by Mr. Beville. Vote: Ayes.

Fire Chief Steve Dhondt discussed a Federal Grant – 2005 Assistance for Firefighters Grant #EMW-2205-FG-19677 – for mobile computers and fire apparatus. It is funded through the Department of Homeland Security. The Information Technology Department developed specifications for the computers, from which staff received three quotes. First was a quote from Group Mobile for 9 ruggedized mobile computers for fire apparatus for \$49,563. Next from CDW-G for the same equipment, was a quote for \$43,989.30. A third quote from Boyer Networks was in the amount of \$40,500. These computers could be licensed under the City's contract, said Chief Dhondt. Per the Chief's recommendation, Mr. Beville moved to enter into a contract with Boyer Networks of Indianapolis for those nine computers. Second by Mr. Hoover. Vote: Ayes.

Human Resources Director Bill Jackson reported that the renewal on our medical insurance is due March 1st. He indicated that a committee comprised of the Director of Operations, the City Attorney, the Chief of Police, the Fire Chief and himself, has been reviewing not only our present plan but other proposals. Mr. Jackson is not recommending action at this time. He will have something before March 1st.

On her Status of Tasks, Ms. Koons-Davis recommended approval of a proposed outdoor lighting agreement with Cingery for lights in The Trails at Woodfield. Mr. Hoover moved to approve the Outdoor Lighting Service Agreement with Cinergy for five (5) outdoor street light units in The Trails at Woodfield, Section 3, Wolf Run Way and Littlefield Drive, under date of January 18, 2006 as presented to the Board, and to authorize the Mayor to execute the Agreement in the Board's behalf. Second by Mr. Beville. Vote: Ayes.

Mr. Beville then moved to authorize the Mayor to sign additional outdoor lighting agreements for placement of street light units in areas of new construction as they come forward, subject to review by the City Attorney and at the discretion of the Mayor. Second by Mr. Hoover. Vote: Ayes.

On his Status of Tasks, Mr. Peoni brought a request from Chase Bank at Emerson Pointe for acceptance of their performance guarantees. Mr. Hoover moved to:

- (1) Accept Official Check #822647033 from Chase Bank acting as a performance guarantee in the amount of \$26,731 for the installation of the dirtwork and storm sewers at the Chase Bank site at Emerson Pointe, Lot 1, Block "A".
- (2) Accept Official Check #822647032 from Chase Bank acting as a performance guarantee in the amount of \$4,056 for the installation of the erosion control at the Chase Bank site at Emerson Pointe, Lot 1, Block "A".
- (3) Accept Official Check #822647031 from Chase Bank acting as a performance guarantee in the amount of \$453 for the installation of the traffic control signage at the Chase Bank site at Emerson Pointe, Lot 1, Block "A", all contingent upon:

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a) Approval by the Clerk-Treasurer of the Official Check form.
Second by Mr. Beville. Vote: Ayes.

For Greenwood Station, Section 3, the request is for acceptance of their Inspection & Testing Agreement for sanitary sewers and for all other improvements and ratification of the 50% fee. Mr. Beville moved to accept the Inspection & Testing Agreements for Greenwood Station, Section 3, and ratify the acceptance of the 50% upfront fee. Second by Mr. Hoover. Vote: Ayes.

The Chateau at Woodfield, Sections 3A and 3B, also had requests to accept the Inspection & Testing Agreement for sanitary sewers and for all other improvements and to ratify acceptance of the 50% upfront fee. Mr. Hoover moved to accept the Inspection & Testing Agreements for The Chateau at Woodfield, Sections 3A and 3B, as described and to ratify acceptance of the 50% upfront fee. Second by Mr. Beville. Vote: Ayes.

Mr. Beville moved to accept the claims as presented through February 9th.
Second by Mr. Hoover. Vote: Ayes.

Mayor Henderson discussed a request from the Trailways Board wanting action to deal with the parking lot at the airport. The Mayor thought this was under the Board of Aviation's authority and he thought they had long-range plans. The Mayor moved to ask the Board of Aviation to work with the Trailways Board to allow them to use this if possible but with the understanding that this is under the Board of Aviation's control. Second by Mr. Beville. Vote: Ayes.

The Mayor indicated he had received a schedule for the bid letting for the other section of Valle Vista – hopefully by the end of March. Mr. Beville moved to authorize the preparation of a bid package and advertising for the next phase of the Valle Vista Road Reconstruction Project. Second by Mr. Hoover. Vote: Ayes. Mr. Peoni hoped to make an award by the second meeting in March.

With no further business, the meeting adjourned at 9:35 a.m.

Charles E. Henderson, Mayor

Jeannine Myers, Clerk-Treasurer